

REMARKS

Favorable reconsideration of the present application is respectfully requested. Claims 13-24 and 26-45 have been amended and Applicants believe that the claims as now presented are clearly allowable.

In the August 24, 2004, Office Action, all of Claims 13 - 45 were rejected under 35 USC 103(a) as being unpatentable over a patent to Fujino et al. (US 5,651,006) in view of a patent to Fisher et al. (US 6,571,286). This rejection is respectfully traversed.

Regarding independent claim 13, it has been amended and recites, *inter alia*:

“- for each subdomain, associating each indicator agent with each synthesis agent using the corresponding indicator value, the structure of each synthesis agent being identical to that of an indicator agent,

...
- modifying the associations between the synthesis agents and the indicator agents when a predetermined maximum number of resources in a subdomain is reached, in order to accommodate the addition or deletion of indicators so that the monitored domain comprises a new architecture having, in each subdomain, a number of resources lower than the predetermined maximum number of resources.”

The Examiner states that the Fujino et al. patent does not disclose modifying the associations between the synthesis agents and the indicator agents when a predetermined maximum number of resources in a subdomain is reached, in order to accommodate the addition or deletion of indicators so that the monitored domain comprises a new architecture having, in each subdomain, a number of resources lower than the predetermined maximum number of resources, as recited in claim 13, but the Examiner alleges that that the missing recitations are disclosed by the secondary reference, the Fischer et al. patent.

The Fischer et al. patent is directed to a method for enhancing communications efficiency that defines pools of network resources. A parameter

assignment classification is provided to enable the assignment of a resource. The Fischer et al. patent simply discloses:

- 1) automatically allocating resources to specific configuration parameters;
- 2) listing existing resources for end-user selection as a value for a configuration parameter;
- 3) detecting duplicate resources; and
- 4) associating end-user supplied memories with resources. (See, col. 6, lines 37-42.)

Applicants respectfully submit, that contrary to the Examiner's assertion, there is nothing in the Fisher et al. patent that teaches or suggests modifying the associations between the synthesis agents and the indicator agents when a predetermined maximum number of resources in a subdomain is reached, in order to accommodate the addition or deletion of indicators so that the monitored domain comprises a new architecture having, in each subdomain, a number of resources lower than the predetermined maximum number of resources, as recited in claim 13. Likewise, the Fisher et al. patent does not disclose indicator agents or synthesis agents; thus, it cannot and does not disclose or suggest the structure of each synthesis agent being identical to that of an indicator agent, as recited in claim 13.

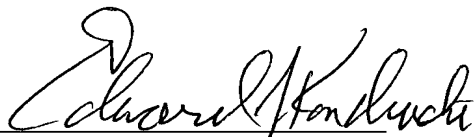
Therefore, it should be apparent that the Fisher et al. patent is not directed to a scalable monitoring method, as recited in claim 13, and the Examiner has failed to satisfy the required burden of establishing a *prima facie* case of obviousness. Accordingly, the Section 103 rejection of Claim 13 is believed to be overcome, and the Examiner is respectfully requested to withdraw the rejection of independent claim 13, and claims 14 – 32 that depend therefrom.

Regarding independent claim 33, it has been amended to contain a means for modifying the associations between the synthesis agents and the indicator agents, and also to recite the structure of each synthesis agent being identical to that of an indicator agent, which are similar to the method recitations in Claim 13. Accordingly, for at least those reasons stated above for Claim 13, Applicants believe that the Examiner has also failed to satisfy the required burden of establishing a *prima facie* case of obviousness for independent Claim 33. Accordingly, the Section 103 rejection of Claim 33 is believed to be overcome, and the Examiner is respectfully requested to withdraw the rejection of independent Claim 33, and Claims 34 – 45 that depend therefrom, and issue a Notice of Allowance for Claims 13-45.

In view of the foregoing, it is respectfully submitted that this Amendment places the case in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

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